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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

STATE OF CALIFORNIA, *et al.*,

Plaintiffs,

v.

XAVIER BECERRA, Secretary of  
Health and Human Services, *et al.*,

Defendants,

and,

THE LITTLE SISTERS OF THE POOR,  
JEANNE JUGAN RESIDENCE, *et al.*,

Defendant-Intervenors

Case No.: 4:17-cv-5783-HSG

**NOTICE OF INTENTION TO  
INITIATE RULEMAKING**

On August 3, 2021, Federal Defendants filed a joint status report [ECF No. 462] in this case, which concerns the validity of two 2018 regulations creating a moral exemption and expanding a

1 religious exemption to the rules establishing the contraceptive coverage requirement. In that status  
 2 report, Federal Defendants (i) reported that they were continuing to evaluate the issues presented by  
 3 this litigation and their regulatory options, and (ii) requested that the Court continue to hold the  
 4 pending dispositive motions in abeyance to afford the agencies additional time to undertake these  
 5 tasks.

6 After the filing of that report, Federal Defendants made an announcement related to their  
 7 consideration of regulatory options. Specifically, they announced that “[t]he Departments [of Health  
 8 and Human Services, Treasury, and Labor] intend to initiate rulemaking within 6 months to amend  
 9 the 2018 final regulations and obtaining public input will be included as part of the Departments’  
 10 rulemaking process.” CMS.Gov, Frequently Asked Questions, Affordable Care Act Implementation  
 11 FAQs (Set 48) (Aug. 16, 2021) (available at [https://www.cms.gov/CCIIO/Resources/Fact-Sheets-](https://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs#Affordable_Care_Act)  
 12 [and-FAQs#Affordable\\_Care\\_Act](https://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs#Affordable_Care_Act)) (attached as Exh. 1).

13  
 14 Dated: August 17, 2021

Respectfully submitted,

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